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### **REMARKS**

Applicants carefully considered the Office Action mailed on March 18, 2005. In the Office Action, claims 1-11 were rejected. Applicants have amended claims 1, 4-7 and 10 solely to provide proper antecedence and not to overcome any cited reference(s). Claims 1-11 are pending in the present patent application. By the present response no new matter has been added.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-6 and 8-11 under 35 U.S.C. §102(b) as being anticipated by Fafet et al. (US Patent No. 5,931,152), hereinafter Fafet. A prima facie case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. Applicants respectfully traverse this rejection because Fafet does not teach or otherwise disclose each and every element of claims 1-6 and 8-11.

### **Claims 1-6 and 8**

Independent claim 1 was rejected as being anticipated by Fafet. It is Applicants position that claim 1 as originally filed is not anticipated by Fafet. Claim 1 recites a burner assembly that includes a burner grate comprising a plurality of humps integrally formed in a glass ceramic cooktop, and distributed around an opening in the cooktop. The burner assembly also includes a burner positioned in the opening, comprising a plurality of burner ports, a pattern of the burner ports selected *to restrict flame formation* in a region proximate the burner grate so that flames from the respective burner ports do not impinge upon the burner grate.

Fafet discloses a glass-ceramic cooking plate for a gas cooking apparatus. The cooking plate includes at least one cooking site comprising a neck region defining an opening and a plurality of humps of the same height distributed around the opening. Further, Fafet discloses the humps being an integral part of the plate.

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The Examiner considers that the humps in Fafet "are positioned a sufficient distance from the flame ports of the burner such that the flames from these ports will not impinge upon the burner grate." Applicants submit that nowhere in Fafet is the positioning of the humps with respect to the burner quantified or otherwise described. The Examiner is relying on Figs. 2 and 4 to make a subjective determination regarding the positioning of the humps, which Applicants submit is not capable of instant and unquestionable demonstration. Nevertheless, even if one were to assume *Arguendo* that Fafet's positioning of humps at a sufficient distance from the flame ports may be one way to mitigate flame impingement on the burner grate, Applicants are not attempting to claim positioning of humps. Rather, as recited in Applicant's claim 1, **flame formation is restricted** in a region proximate the burner grate **through a burner port pattern**.

Claims 2-6 are further directed to restricting flame formation. For example, as emphasized in Applicant's claim 2 the burner port pattern is selected to avoid flame formation in the region proximate the burner grate. Furthermore, as recited in claim 3 the burner ports are aligned in the pattern so that no burner port is positioned proximate the burner grate. Similarly, as recited in claim 4 the burner port positioned proximate the burner grate is configured to direct a flame away from the burner grate. Additionally, claims 5 and 6 recite burner port patterns including the burner grate being disposed at an angle with respect to a radial direction and a bifurcated burner grate to direct the flame away from the burner grate.

Applicants submit that at the very least Fafet does not teach **restriction of flame formation** whether it be through the selection of pattern of the burner ports in a region proximate the burner grate as recited in claim 1, or otherwise. Absent any teaching regarding these recitations of claim 1, Fafet simply cannot support a *prima facie* case of anticipation. Therefore, Applicants submit that independent claim 1 is allowable and respectfully request the Examiner to reconsider rejection of the claim. As claims 2-6 and 8 depend from claim 1, Applicants submit that these claims are similarly allowable for at least the reasons set forth above with respect to claim 1.

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#### Claim 9

Independent claim 9 was similarly rejected as being anticipated by Fafet. It is Applicants position that claim 9 as originally filed is not anticipated by Fafet. Claim 9 recites a burner assembly that includes a burner grate comprising a plurality of humps, integrally formed in a glass ceramic cooktop, and distributed around an opening in the cooktop. The burner assembly also includes a burner positioned in the opening, comprising a plurality of burner ports positioned in the burner to coincide with regions proximate the burner unobstructed by the burner grate.

Applicants submit that at the very least Fafet does not teach or otherwise suggest a burner comprising burner ports that are positioned in the burner to coincide with regions proximate the burner unobstructed by the burner grate.

Accordingly, for at least the reasons set forth above, Applicants submit that Fafet does not anticipate claim 9. Therefore, Applicants submit that independent claim 9 is allowable and respectfully request the Examiner to reconsider rejection of the claim

#### Claim 10

Independent claim 10 was similarly rejected as being anticipated by Fafet. It is Applicants position that claim 10 as originally filed is not anticipated by Fafet. Claim 10 recites a burner assembly that includes a burner grate comprising a plurality of humps, integrally formed in a glass ceramic cooktop, and distributed around an opening in the cooktop. The burner assembly also includes a burner positioned in the opening, comprising a plurality of flame-free portions between burner ports, at least some of the flame-free portions selected to coincide with the burner grate proximate the burner, thereby avoiding interference between the burner grate and flames produced by the burner.

As with claims 1 and 9, Applicants submit that at the very least Fafet does not teach or otherwise suggest a burner comprising flame-free portions that are selected to

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coincide with a burner grate to avoid interference between the burner grate and flames produced by the burner.

Accordingly, for at least the reasons set forth above, Applicants submit that Fafet does not anticipate claim 10. Therefore, Applicants submit that independent claim 10 is allowable and respectfully request the Examiner to reconsider rejection of the claim.

#### Claim 11

Independent claim 11 was similarly rejected as being anticipated by Fafet. It is Applicants position that claim 11 as originally filed is not anticipated by Fafet. Claim 11 recites a method of firing a burner comprising providing a burner assembly comprising a burner and a burner grate comprising a plurality of humps, integrally formed in a glass ceramic cooktop and distributed around an opening in the cooktop. The method also includes positioning the burner in the opening and configuring an array of burner ports in the burner to avoid flame formation in regions proximate the burner in correspondence with the humps so that flames from the burner do not impinge upon any burner grate therein.

As discussed above, Applicants submit that at the very least, Fafet does not teach or otherwise suggest configuring an array of burner ports to avoid flame formation in a region proximate the burner grate so that flames from the burner do not impinge upon any burner grate therein.

Accordingly, for at least the reasons set forth above, Applicants submit that Fafet does not anticipate claim 11. Therefore, Applicants submit that independent claim 11 is allowable and respectfully request the Examiner to reconsider rejection of the claim.

#### Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Fafet in view of Pistein (U.S. Patent No. 4,518,346). Applicants submit that Pistein does not cure the deficiencies set forth above with respect to at least claim 1. Notably,

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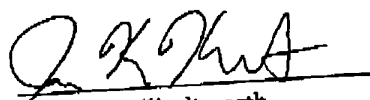
that a pattern of the burner ports selected to restrict flame formation in a region proximate the burner grate so that flames from the respective burner ports do not impinge upon the burner grate. As claim 7 depends from claim 1, Applicants submit that this claim is allowable for at least the reasons set forth above with respect to claim 1.

### Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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